

1 Mark W. McBrayer  
Texas Bar No. 24038036  
2 Pro Hac Vice application to be filed  
CRENSHAW, DUPREE & MILAM, L.L.P.  
3 P. O. Box 1499  
Lubbock, Texas 79408  
4 (806) 762-5281

5 Jeffrey M. Byer  
California State Bar No. 149332.  
6 Local Counsel  
SANDLER LASRY LAUBE BYER & VALDEZ, L.L.P.  
7 402 West Broadway, Suite 1700  
San Diego, CA 92101  
8 (619) 235-5655

9 **ATTORNEYS FOR DEFENDANT MARIN COUNTY, TEXAS**

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

12 CASIANO N. ALFORQUE

13 Plaintiff,

14 v.

15 MARTIN COUNTY, TEXAS,

16 Defendant.

Case No. 3:08-CV-0613-WQH (WMC)  
ECF

**DEFENDANT'S APPENDIX IN  
SUPPORT OF MOTIONS TO DISMISS  
AND MOTIONS TO TRANSFER  
VENUE**

JUDGE: WILLIAM Q. HAYES

HEARING DATE: AUGUST 25, 2008  
TIME: 11:00 a.m.  
COURTROOM: 4  
NO ORAL ARGUMENT UNLESS  
REQUESTED BY THE COURT

21 **INDEX**

22 Exhibit A Documents from the District Clerk's file in the matter of the State of Texas 000001  
23 v. Nicholas Alforque Casiano, Cause No. 7871 in the County Court of  
24 Martin County, Texas

25 Exhibit B Declaration of James L. McGilvray, Martin County Attorney 000034  
26  
27  
28

1 Exhibit C Declaration of Charles T. Blocker, County Judge, Martin County, Texas 000063

2  
3 Respectfully submitted,

4 Dated: July 21, 2008

**CRENSHAW, DUPREE & MILAM, L.L.P.**

5  
6 By: s/ Mark W. McBrayer, by consent  
7 Attorneys for Defendant  
MARTIN COUNTY, TEXAS

8 Dated: July 21, 2008

**SANDLER, LASRY, LAUBE, BYER  
& VALDEZ LLP**

9  
10  
11 By: s/ Jeffrey M. Byer  
12 Jeffrey M. Byer  
13 Attorneys for Defendant  
MARTIN COUNTY, TEXAS  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CASIANO N. ALFORQUE

Plaintiff,

MARTIN COUNTY, TEXAS,

Defendant.

§ Case No. 3:08-CV-0613-WQH  
§ ECF  
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**Exhibit A**

000001

THE STATE OF TEXAS        }{

COUNTY OF MARTIN        }{

I, SUSIE GRAHAM, Clerk of the District Court, in and for Martin County, do hereby certify that the attached pages contain a true and correct copy of the following:

Complaint filed 8/3/05  
Information filed 8/3/05  
Order of Pre-Trial Hearing and Jury Trials filed 9/7/05  
Certificate of Service from Shawn L. Holliday filed 9/26/05  
Request for Evidenciary Hearing filed 9/26/05  
Motion Introducing Evidence filed 9/26/05  
Motion for Dismissal under Article 27.08 9/26/05  
Motion for Assignment of Counsel filed 9/26/05  
Motion for Judgment Order of Dismissal filed 9/26/05  
Bond filed 5/19/05  
Correspondence from Judy's Bonding filed 10/5/05  
Motion To Obtain Warrant filed 10/5/05  
Affidavit filed 10/5/05  
Order to Issue Warrant filed 10/5/05  
Certificate of Service from Shawn L. Holliday filed 10/11/05  
Written Plea of Innocence filed 10/11/05  
Order of Pre-Trial Hearing and Jury Trials filed 5/5/06  
Order of Pre-Trial Hearing and Jury Trials filed 2/7/08  
Order of Pre-Trial Hearing and Jury Trials filed 3/5/08

In Cause No 7871 : The State of Texas vs. Nicholas Alforque Casiano  
as the same appears now on file in my office.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, in Stanton, Texas this the  
18 day of July A D, 20 08.

Susie Graham  
SUSIE GRAHAM, District Clerk  
Martin County, Texas  
By \_\_\_\_\_ Deputy

Cause No. 7871

Complaint

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

I, MICHAEL SPARKS, being duly sworn, do state upon my oath that ~~I have personal knowledge~~ I have good reason to believe and do believe based upon the written report of AARON A. NEFF and I charge that heretofore, and before the making and filing of this complaint, that on or about the 18th day of May, 2005, in the County of Martin and the State of Texas, NICHOLAS ALFORQUE CASIANO, Defendant, did then and there intentionally and knowing possess a controlled substance analogue, namely, a substance which is intended in whole and in part for human consumption, and which is specifically designed to produce an effect substantially similar to and greater than the effect of the controlled substance hydrocodone, and the chemical structure of which is substantially similar to the chemical structure of the controlled hydrocodone, and the amount of the controlled substance analogue delivered by the defendant was less than 28 grams, including any adulterants and dilutants,

AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.



MICHAEL SPARKS

SWORN TO AND SUBSCRIBED BEFORE ME by MICHAEL SPARKS  
a credible person, this 1st day of August, A.D, 2005.



JAMES L. MCGILVRAY  
Martin County Attorney

Possession of Controlled Substance Penalty Group 3 < 28G, §481.117(b) HSC, Class A Misd.



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

FILED Aug 3 2005  
AT 8:40 o'clock A. M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By [Signature] Deputy

0000

No. 7871

THE STATE OF TEXAS

IN THE COUNTY COURT

VS.

OF


NICHOLAS ALFORQUE CASIANO

MARTIN COUNTY, TEXAS

INFORMATION

I, JAMES L. McGILVRAY, County Attorney of Martin County, in said State, on the written affidavit of MICHAEL SPARKS, a competent and credible person herewith filed in the County Court, in the County of Martin and the State of Texas do present unto said court that on or about the 18th day of May, A.D., 2005, and before the making and filing of this information, in the County of Martin and the State of Texas, one NICHOLAS ALFORQUE CASIANO, Defendant, did then and there intentionally and knowing possess a controlled substance analogue, namely, a substance which is intended in whole and in part for human consumption, and which is specifically designed to produce an effect substantially similar to and greater than the effect of the controlled substance hydrocodone, and the chemical structure of which is substantially similar to the chemical structure of the controlled hydrocodone, and the amount of the controlled substance analogue delivered by the defendant was less than 28 grams, including any adulterants and dilutants,

AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.

  
JAMES L. McGILVRAY  
Martin County Attorney

Possession of Controlled Substance Penalty Group 3 < 28G, §481.117(b) HSC, Class A Misd.



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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

FILED Aug 3 2005  
AT 8:40 o. clock A M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Sharon Jones Deputy

00000

No. 7871

The State of Texas  
Vs

In The County Court  
of  
Martin County, Texas

Nicholas Alforque Casiano

Order of Pre-Trial Hearing and Jury Trials

To: Defendant  
Box 84921  
San Diego Ca 92138  
Bondsman, of record  
Attorney, of record

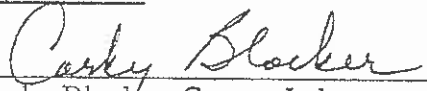
Pursuant to Art. 28.01, Texas Code of Criminal Procedure, you are hereby ORDERED to appear before this Court, at the Courthouse in Stanton, Texas, at 9:00 am, Sept. 28, 2005, for a Pre-Trial Hearing, in the above captioned cause. The pre-trial hearing shall be to determine any of the following matters:

1. Arraignment of the defendant, if such be necessary; and appointment of counsel to represent the defendant, if such be necessary;
2. Pleadings of the defendant;
3. Special pleas, if any;
4. Exceptions to the form or substance of the indictment or information;
5. Motions to suppress evidence – When a hearing on the motion to suppress evidence is granted, the court may determine the merits of said motion on the motions themselves, or upon opposing affidavits, or upon oral testimony, subject to the discretion of the court;
6. Motions for continuance either by the State or defendant; provided that grounds for continuance not existing or not known at the time may be presented and considered at any time before the defendant announces ready for trial;
7. Motions for change of venue by the State or the defendant; provided, however, that such motions for change of venue, if overruled at the pre-trial hearing, may be renewed by the State or the defendant during the voir dire examination of the jury;
8. Discovery;
9. Entrapment; and
10. Motion for appointment of interpreter.

All motions, pleadings, and exceptions must be filed no later than seven (7) days before the hearing.

You should be prepared to announce to the Court whether you want a jury trial, trial before the Court, or to plead guilty/nolo contendere.

Failure to appear at this hearing will forfeit your bond and a warrant for arrest may be issued. Your attorney must be present with you at this hearing. Attorneys ignoring this order will be held in contempt. If you have any questions concerning this case, call the County Attorney at (432) 756-2838.

  
Corky Blocker, County Judge  
Martin County, Texas

FILED Sept. 7, 20 25  
At 11:30 o'clock A M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Shawn Jones, Deputy



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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

000605

SHAWN L. HOLLIDAY  
4054 Utah Street  
Suite No#8  
San Diego, Calif. 92104  
619-675-6533

✓

CERTIFICATE OF SERVICE:

FOLLOWING PLEADINGS FOR THE DEFENDANT NICHOLAS ALFORQUE CASIANO HAVE BEEN MAILED CERTIFIED BY FIRST CLASS POSTAGE TO THE ADDRESS'S BELOW:

PLEADING- REQUEST FOR EVIDENCIARY HEARING; MOTION INTRODUCING EVIDENCE; MOTION FOR ASSIGNMENT OF COUNSEL; MOTION FOR DISMISSAL  
CONTENT- PHYSICIANS STATEMENT; AFFIDAVIT OF MARY J. HOLIDAY; VEHICLE REGISTRATION; STATE FARM INSURANCE CARD AND CONTRACT OF ASSIGNED DRIVERS; DECLARATION OF ALVIS H. FERNANDEZ.

I, Alvis Fernandez, CERTIFY THAT THE ABOVE PLEADINGS WERE MAILED ON DATE SEPTEMBER 20, 2005 BY OF THE UNITED STATES POST OFFICE, FIRST CLASS MAIL, TO FOLLOWING ADDRESS'S;

SUSAN HULL  
DISTRICT AND COUNTY CLERK  
MARTIN COUNTY  
P.O. BOX 906  
STANTON, TEXAS 79782-0906

JUDYS BONDING SERVICE  
113 EAST 4<sup>TH</sup> STREET  
ODESSA, TEXAS 79761

STANTON COURT  
ATTN: JUDGE CORKY BLOCKER  
IN THE COUNTY COURT  
OF  
MARTIN COUNTY, TEXAS  
MARTIN COUNTY  
P.O. BOX 906  
STANTON, TEXAS 79782-0906



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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

FILED Sept. 26 2005  
AT 8:30 o. clock PM  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Shawn Holliday, Deputy

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IN THE COUNTY COURT OF  
MARTIN COUNTY TEXAS

THE STATE OF TEXAS :  
VS : REQUEST FOR  
: EVIDENCIARY  
NICHOLAS ALFORQUE CASIANO : HEARING

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Hearing Date: 09-28-05  
Time : 09:00 am

AND NOW COMES THE DEFENDANT IN THIS MATTER, NICHOLAS ALFORQUE CASIANO. The defendant submits the following request, under Art. 38.03. which states:

Art. 38.03. [705] [785] [765] Presumption of innocence

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that he has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at his trial.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1981, 67th Leg., p. 2247, ch. 539, Sec. 1, eff. June 12, 1981.

The court must bring into light, before the commencement of any such trial, any and all evidence which



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FILED Sept 26 2005  
AT 8:30 o'clock A M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Shawn Jones Deputy

00000'

may or may not vindicate the defendant from any and all charges which are brought against him in the matter before the court, as the court cannot reasonably try a case for which no evidence of a law being broken exist.

The defendant request that this hearing be held on or before date September 28,2005, to as to determine the merits of which this case holds grounds for prosecution.

Dated, September 21, 2005

Signed,   
Shawn L. H.



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IN THE COUNTY COURT OF  
MARTIN COUNTY TEXAS

THE STATE OF TEXAS : MOTION  
VS : INTRODUCING  
: EVIDENCE  
NICHOLAS ALFORQUE CASIANO :

---

Hearing Date: 09-28-05  
Time : 09:00 am

AND NOW COMES THE DEFENDANT IN THIS MATTER, NICHOLAS ALFORQUE CASIANO. The defendant introduces the following evidence into record under Art. 38.03.:

- 1) Physicians Letter **EXHIBIT A**
- 2) Affidavit of one Mary J. Holiday **EXHIBIT B**
- 3) Vehicle Registration **EXHIBIT C**
- 4) Business Insurance Policy/Insurance Card **EXHIBIT D**
- 5) Declaration of one Alvis H. Fernandez **EXHIBIT E**



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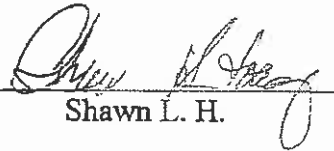
FILED Sept. 26, 2005  
AT 8:30 o'clock A M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Sharon Jones, Deputy

000001

This evidence categorically vindicate the defendant from any and all charges which are brought against him in the matter of "The State of Texas Vs. Nicholas Alforque Casiano, as the court cannot reasonably try a case for which an offense has not been committed against the law, Article 27.08. [511][575] [564] Exception to substance of indictment.

Dated, September 21, 2005

Signed,

  
Shawn L. H.



***David M. Kupfer, M.D., F.A.C.S.***

---

Main Office: 3434 Midway Drive, Suite 2005 • San Diego, California 92110  
Del Mar • El Centro • Escondido • San Diego • San Marcos • Temecula  
(619) 223-2271 • (619) 221-4456 fax

September 19, 2005

Attn: Stanton Court House

To Whom It May Concern:

Re: Alforque Casiano

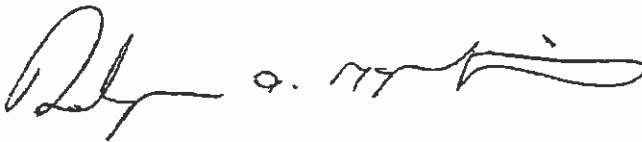
DOB: 12/18/69

Mr. Casiano has been treating with Dr Kupfer for a left wrist and arm injury since January 2003.

In the course of his treatment, he had surgery to the left wrist. Consequently, he has residual chronic pain, which occasionally may require the use of a narcotic.

Mr. Casiano has been prescribed Lortab, or Vicadon, on a semi-regular basis, with the last prescription dated June 13, 2005, for Lortab 7.5mg/500mg, #20.

Sincerely,



Robynne A. McMurtrie  
Manager for David M. Kupfer, M.D.

FILED  
9/19/05  
af



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EXHIBIT A  
000011

EXHIBIT B



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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

000012

**IN THE COUNTY COURT OF  
MARTIN COUNTY TEXAS**

**THE STATE OF TEXAS** : **Affidavit of**  
**VS** : **Mary J.**  
: **Holiday**  
**NICHOLAS ALFORQUE CASIANO** :

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Hearing Date: 09-28-05  
Time : 09:00 am

Affidavit from Mary J Holiday.

Affidavit stating the following:

I, Ms. Mary J. Holiday. Attest to the fact that I am listed as  
Operator of said vehicle, Honda Civic registered to one Alvis H.  
Fernandez, Vin No.#1HGEM22134L041126, for business  
purposes, and am listed as an agent on said Company vehicles  
Business Policy number 92-462-C08-55B, under State Farm  
Insurance Company, which will be proven within the content of  
EXHIBIT D of this pleading, this vehicle being subsequently  
detained in the state of Texas on date May 17, 2005,



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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

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approximately 10:00 am, by Trooper Aaron Neff the arresting officer of the defendant in the above matter.

I, Ms. Mary J. Holiday did leave the prescribed medication, belonging to myself, Generic Penicillin, inside the secured area of the glove box in said vehicle, being advised by a reputable source, that this practice was common in the operation of a shared Company Vehicle.

Dated, 08-31-05

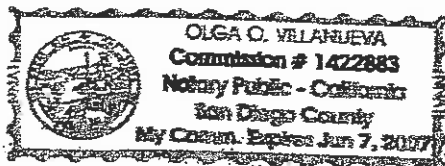
Signed, [Signature]  
Mary J. Holiday.

**CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC**

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

On August 31, 2005, before me, the undersigned notary public, personally appeared MARY J. HOLIDAY, personally know to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

[Notary Seal, if any]:



[Signature]  
(Signature of Notarial Officer)

Notary Public for the State of California



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in accordance with the fee schedule for that county.

(d) A counsel in a noncapital case, other than an attorney with a public defender, appointed to represent a defendant under this code shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with prior court approval shall be reimbursed in the same manner provided for capital cases by Articles 26.052(f) and (g), and expenses incurred without prior court approval shall be reimbursed in the manner provided for capital cases by Article 26.052(h).

(e) A majority of the judges of the county courts and statutory county courts or the district courts, as appropriate, trying criminal cases in the county may remove an attorney from consideration for appointment if, after a hearing, it is shown that the attorney submitted a claim for legal services not performed by the attorney.

(f) All payments made under this article shall be paid from the general fund of the county in which the prosecution was instituted or habeas corpus hearing held and may be included as costs of court.

(g) If the court determines that a defendant has financial resources that enable him to offset in part or in whole the costs of the legal services provided, including any expenses and costs, the court shall order the defendant to pay during the pendency of the charges or, if convicted, as court costs the amount that it finds the defendant is able to pay.

(h) Reimbursement of expenses incurred for purposes of investigation or expert testimony may be paid directly to a private investigator licensed under Chapter 1702, Occupations Code, or to an expert witness in the manner designated by appointed counsel and approved by the court.

Acts 1965, 59th Leg., p. 317, ch. 722, Sec. 1, eff. Jan. 1, 1966. Amended by Acts 1969, 61st Leg., p. 1054, ch. 347, Sec. 1, eff. May 27, 1969; Acts 1971, 62nd Leg., p. 1777, ch. 520, Sec. 1, eff. Aug. 30, 1971; Acts 1973, 63rd Leg., p. 1126, ch. 426, art. 3, Sec. 3, eff. June 14, 1973; Acts 1981, 67th Leg., p. 803, ch. 291, Sec. 106, eff. Sept. 1, 1981; Acts 1987, 70th Leg., ch. 979, Sec. 3, eff. Sept. 1, 1987.

Subsec. (f) added by Acts 1999, 76th Leg., ch. 837, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 906, Sec. 8, eff. Jan. 1, 2002; Subsec. (f) amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.734, eff. Sept. 1, 2001.

And in adherence to the above article, the defendant request appointment of a Public Defender to represent him in this matter. The defendant does so state that he is



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indigent as is reflected in Exhibit A, of defendants Motion to introduce Evidence, and thereby states that he does so in fact fall under the regulations required by Article 26.044.

Furthermore, the assignment of Counsel in this matter will better assist the courts, as local Counsel may act as a live mouthpiece before the court, in behalf of the defendant and defendants outside Counsel.

Dated, September 21, 2005

Signed, 

Shawn L. H.



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000016

**IN THE COUNTY COURT OF  
MARTIN COUNTY TEXAS**

**THE STATE OF TEXAS** : **Motion for**  
**VS** : **Judgement**  
: **Order of**  
**NICHOLAS ALFORQUE CASIANO** : **Dismissal**

---

Hearing Date: 09-28-05  
Time : 09:00 am

AND NOW COMES THE DEFENDANT, NICHOLAS  
ALFORQUE CASIANO, in the above matter of "State of Texas Vs.  
Nicholas Alforque Casiano.

The defendant, respectfully states to the courts, that defendant has  
successfully provided all the necessary facts and materials, listed under  
Article 27.08.(see defendants motion for dismissal), to prove that there  
exist no offense against the law which can be punishable by this court,  
County Court of Martin County, Texas.

FILED Sept. 26, 2005  
AT 8:30 o'clock A. M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By [Signature] Deputy



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Having proved the defendant's case, the defendant respectfully request that the court's issue a Judgment Order, vindicating the defendant of any and all charges brought before it.

Dated, September 20, 2005

Signed,   
Shawn L. H., Causative'

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000018

## THE STATE OF TEXAS

No. .... COMPLAINT

County of MARTIN

IN ..... COUNTY ..... COURT.

Precinct No. MARTIN County

Know all Men by these Presents, That we, CASIANO NICHOLAS AIROQUE  
 as Principal, and the other subscribers hereto as Sureties, acknowledge ourselves to owe and be indebted  
 to the STATE OF TEXAS in the sum of ONE THOUSAND Dollars,  
 And in addition thereto, we are bound for the payment of all fees and expenses that may be incurred by  
 peace officers in re-arresting principal in the event the conditions of this bond are violated. For the payment  
 of which sum or sums, well and truly to be made to the State of Texas, we and each of us hereby jointly  
 and severally bind ourselves, our heirs, executors and administrators firmly by these presents.  
 THE CONDITION OF THIS BOND is that the defendant has been charged with a (2005) (misdemeanor)  
 offense and to secure his release from custody is entering into this obligation binding him to appear before

..... COURT of ..... MARTIN ..... County, Texas, with MISD  
POSSESSION OF CONTROLLED SUBSTANCE/A

Now, if the said CASIANO NICHOLAS AIROQUE shall well and truly make h. IS  
 appearance before the ..... COUNTY COURT ..... of MARTIN  
 County, Texas ..... at the next term of  
 said Court, at STANTON, TEXAS

INSTANTER  
 on the ..... day of ..... 20 ..... at ..... o'clock ..... m, and there re-  
 main from day to day and term to term, until discharged by due course of law, then and there to answer  
 said accusation and any and all subsequent proceedings had relative to the charge against HM, then  
 this obligation shall become null and void; otherwise to remain in full force and effect.

Witness our hand this 19th day of MAY 20 05.

4455 Federal Blvd #54  
P.O. BOX 84921  
SD CA 92138-92102

X  
 Principal CASIANO NICHOLAS AIROQUE  
 Surety Don Barrios  
 Surety

## OATH OF SURETIES

## THE STATE OF TEXAS

We, each of us, ASA BONDING and  
 County of Ector

do swear that we are worth in our own right, at least the sum of TWO THOUSAND  
 DOLLARS, after deducting from our property all that which is exempt by the constitution and laws of the  
 State from forced sale, and after the payment of all our debts, of every description, whether individual or  
 security debts, and after satisfying all encumbrances upon our property which are known to us; and that

we reside in the County of ECTOR and have property in the State liable to  
 execution worth:

the said ASA BONDING sum of TWO THOUSAND DOLLARS,  
 the said ..... sum of ..... DOLLARS.

Don Barrios  
 Surety 113 E. 4th Street, Odessa, Texas  
 Surety 113 E. 4th Street, Odessa, Texas

SUBSCRIBED AND SWORN TO before me this 19th day of MAY A. D. 20 05  
Notary Public  
State of Texas  
Comm. Expires 06-10-2008

The foregoing bond examined and approved this 19 day of MAY 20 05

FILED April 19, 2005  
2:00 PM  
ASA SIXE HILL 81-104  
County Clerk Martin Co., Texas  
BONDING SERVICES

113 East 4th St. Odessa, Texas 79761 432/332-5061 1-800-288-4023



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 IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

000019

STATE OF TEXAS  
COUNTY OF ECTOR

I CERTIFY THAT I know the sureties whose names are signed to the within Bond of Indemnity, that they are solvent and have property in Ector County, Texas, subject to execution worth \$ 2000 and more and if this bond was presented to me, I would approve same.

Mark Sanderson  
Sheriff of Ector County, Texas

Deputy

No. COMPLAINT

IN COUNTY COURT

Precinct No. \_\_\_\_\_

MARTIN County

## Appearance Bond

THE STATE OF TEXAS

VS

CASIANO NICHOLAS ALFORQUE

P.O. BOX 458

SAN DIEGO, CALIFORNIA 79788

CASIANO NICHOLAS ALFORQUE

**ASA BONDING** Principal.

**113 E. 4th** Surety.

**Odessa, TX 79761** Surety.

Approved and filed this \_\_\_\_\_ day

of \_\_\_\_\_ 20 \_\_\_\_

Precinct No. \_\_\_\_\_

County, Texas.



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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

000020

## JUDY'S BONDING

113 EAST 4TH STREET • PHONE 915/332-5061

ODESSA, TEXAS 79761

Date: October 4<sup>th</sup>, 2005

To: Martin County Court House  
County Clerks(criminal)  
P.O Box 906  
Stanton, Texas 79782-0906

State Of Texas Vs.: Nicholas Alforque Casiano

Case # 7871

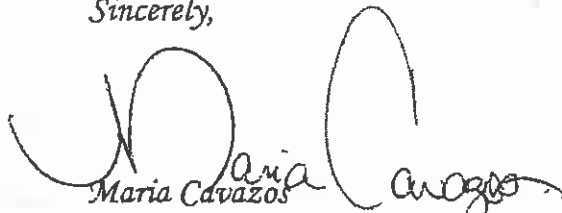
Dear Sirs:

Enclosed you will find a motion to go off bond on the above referenced style and numbered case. Please have a judge sign order to off bond.

I would appreciate it if you would forward us a copy of the signed motion once the warrant has been issued. Enclosed you will find a self addressed stamped envelope for your convenience.

Thank you for your attention and courtesy regards this matter.

Sincerely,

  
Maria Cavazos  
Court coordinator

FILED Oct 5 2005  
AT 10:00 o'clock A M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By [Signature] Deputy



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

000021

NO. 7871

THE STATE OF TEXAS

IN THE \_\_\_\_\_ COUNTY \_\_\_\_\_ COURT

VS. NICHOLAS ALFORQUE CASIANOOF STANTON, TEXASMARTIN COUNTY ~~XXXXXXXXXXXX~~MOTION TO OBTAIN WARRANT

NOW COMES TOM BARKER SURETY ON THE APPEARANCE BOND IN THE SUM OF ONE THOUSAND  
DOLLARS OF NICHOLAS ALFORQUE CASIANO WHO IS CHARGED WITH POSSESSION  
OF A CONTROLLED SUBSTANCE/A IN THE \_\_\_\_\_ COUNTY \_\_\_\_\_ COURT  
OF MARTIN COUNTY, TEXAS, AND WOULD SHOW TO THE COURT THAT AS PROVIDED UNDER ARTICLE 17.19  
OF THE CODE OF CRIMINAL PROCEDURE OF THE STATE OF TEXAS, THEY DESIRE TO SURRENDER THEIR PRINCIPAL, TO  
WIT: NICHOLAS ALFORQUE CASIANO AND THAT IN ORDER TO DO  
SO, IT IS NECESSARY FOR THEM TO SECURE A WARRANT FOR HIS ARREST.

YOUR PETITIONER MOVES THE COURT TO ISSUE A WARRANT FOR THE ARREST FOR SUCH PRINCIPAL.

THIS MOTION IS MADE FOR THE PURPOSE OF SECURING A WARRANT FOR THE ARREST OF SAID PRINCIPAL AND  
SURRENDERING HIM AND IT IS NECESSARY TO SECURE A WARRANT FOR THE ARREST OF THE SAID DEFENDANT.

WHEREFORE, TOM BARKER RESPECTFULLY REQUESTS THE COURT TO GRANT THIS APPLICATION AND ORDER FOR  
THE ARREST OF THE PRINCIPAL WHO IS THE DEFENDANT IN THE ABOVE STYLED AND NUMBERED CAUSE.

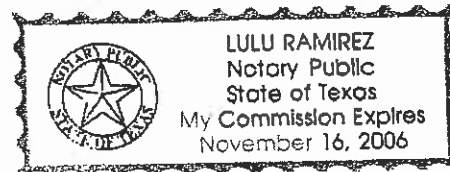
Tom Barker  
SURETY

SWORN TO ME AND SUBSCRIBED BEFORE ME ON THE 4TH DAY OF OCTOBER  
2005 TO CERTIFY AND WITNESS MY HAND AND SEAL OF OFFICE.

Lulu Ramirez  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

**Judy's Bonding**24 Hr. Phone  
915/332-5061**ASA Bonding**24 Hr. Phone  
915/332-5136TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

FILED Oct. 5 2005  
AT 10:00 a. clock PM  
SUSIE HULL  
District & County Clerk-Martin Co., Texas  
by [Signature] Deputy



000022



Felony \_\_\_\_\_ Disemeanor \_\_\_\_\_ Chg. Out Of: \_\_\_\_\_  
 Date March 21, 2008 Amount \$ \$1000 Bond \_\_\_\_\_  
 Court County Cause # 100-210001 Yrs. in Custody: LIFE  
 Name Cassian Nick Nick Name \_\_\_\_\_ Yrs. at Present \_\_\_\_\_  
 Address 4455 Federal Blvd City/State San Diego, CA Zip 92135 Address 1417  
 Prior Address 4455 Federal Blvd City/State San Diego, CA Zip 92102 How Long? 4 yrs  
 Age 35 Wt. 300 Ht. 6'2" Eyes Brown Hair Blk Race Hispanic DOB 12-18-72  
 Place of Birth San Diego, CA SS# SS3-08-3248 DR# 060886871 Exp. Date 12-18-0  
 Empl. San Diego Beer Advocacy Group Addr. 4455 Federal Blvd Phone 214-1922  
 Inmed. Supr. None How Long? None Occu. President  
 Spouse Alvis H Fernandez Maiden Alvis H Fernandez Addr. Same as above  
 Spouse Empl. SDBA & INC Addr. Same as D Phone \_\_\_\_\_  
 Your Salary \_\_\_\_\_ per hrly Other Income 0 per N/A Child Supp. 0 per N/A  
 Children NONE Age(s) \_\_\_\_\_ School \_\_\_\_\_

## LIST SPOUSE'S NAME

## ADDRESS, CITY, STATE &amp; ZIP

## TELEPHONE NUMBER

Attorney ALVAN, SLVKE Adr 619-233-7326 # 03551549210 W ( )  
 Father Discontinued Adr \_\_\_\_\_ H ( )  
 Mother None Adr 0554 WINDY California W ( ) 602-22  
 Uncle Frank Fernandez Adr 4062 Logan Ave San Diego H ( ) 264-31  
 Brother Richard Fernandez Adr 2110 Heagle St H ( )  
 Sister \_\_\_\_\_ Adr Beaumont, TX 77725 W ( )  
 Sister \_\_\_\_\_ Adr \_\_\_\_\_ H ( )  
 Father Rodriguez Fernandez Adr 1417 Standard Ln San Diego H ( ) 954-76  
 In-Law Maria Fernandez Adr 1417 Standard Ln " H ( ) 954-76  
 Best Friend \_\_\_\_\_ Adr \_\_\_\_\_ H ( )  
 Aunt/Uncle \_\_\_\_\_ Adr \_\_\_\_\_ W ( )  
 Creditor \_\_\_\_\_ Adr \_\_\_\_\_ W ( )

Buying or Rent 550.00 Paid to Whom Belmont Landings Financed By \_\_\_\_\_  
 Make, Year, Model, Color of Car Honda, Civic, 2004, Black Lic # \_\_\_\_\_  
 Financed By Mission Federal Cunion Addr \_\_\_\_\_  
 Insurance Co Farmers Paid/Owed Buying Car Title Alvis Ph. # (619)

San Diego 000023  
 TRUE AND CORRECT COPY OF ORIGINAL FILED  
 IN SAN DIEGO COUNTY & DISTRICT CLERK'S OFFICE

NO. 7871

THE STATE OF TEXAS

IN THE \_\_\_\_\_ COUNTY \_\_\_\_\_ COURT

VS. NICHOLAS ALFORQUE CASIANOOF STANTON, TEXAMARTIN COUNTY ~~JUDICIAL DISTRICT~~AFFIDAVIT

NOW COMES TOM BARKER/ASA BONDING sureties on the appearance bond in the above numbered cause, both of whom are over the age of twenty-one (21) years, who have never been convicted of a felony, and who are both competent to swear to the following matters of fact:

The Defendant has failed to COMPLY WITH CONTRACTUAL AGREEMENT MADE WITH THIS COMPANY

UPON POSTING THIS BOND ON 5-19-05. HE WILL NOT RETURN CALLS TO THE OFFICE AND I

FEAR THAT WE CANNOT PRODUCE DEFENDANT TO COURT WITHOUT A WARRANT.

This Affidavit is made for the purposes of securing a warrant for the arrest of the said Defendant so that your sureties may be released from that obligation on the bail bond.

SIGNED this 4TH day of OCTOBER, 20 05.

*Tom Barker*

113 E. 4th 79761  
SURETY

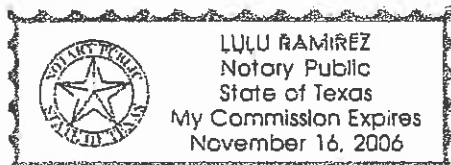
113 E. 4th 79761  
SURETY

THE STATE OF TEXAS

COUNTY OF MARTIN

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared known to me TOM BARKER to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 4TH day of OCTOBER

20 05

Judy's Bonding  
24 Hr. Phone  
915/332-5061

ASA Bonding  
24 Hr. Phone  
915/332-5136



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

*Lulu Ramirez*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

FILED Oct 5 20 05  
AT 10:00 o'clock A. M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By *[Signature]* Deputy

000024

NO. 7871

THE STATE OF TEXAS

VS. NICHOLAS ALFORQUE CASIANO

IN THE \_\_\_\_\_ COUNTY \_\_\_\_\_ COURT

OF STANTON, TEXAMARTIN COUNTY ~~XXXXXXXXXXXX~~ORDER

CAME to be presented to the Court the Surety Motion for a warrant for the arrest of the Defendant in the above styled and numbered cause and the Court having considered the Motion and Affidavit of the surety:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that a warrant shall be issued for the arrest of the Defendant NICHOLAS ALFORQUE CASIANO in compliance with Code of Criminal Procedures, V.A.T.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the clerk of this Court issue a warrant for the arrest of NICHOLAS ALFORQUE CASIANO and that the Defendant be taken into custody by any sheriff peace officer and/or magistrate and be returned to the sheriff of MARTIN County, Texas, to be held in custody subject to further order of this Court.

SIGNED AND ENTERED this 5th day of October, 20 05

Corky Blacker  
JUDGE PRESIDING

**Judy's Bonding**24 Hr. Phone  
915/332-5061**ASA Bonding**24 Hr. Phone  
915/332-5136TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

FILED Oct. 5 20 05  
AT 2:00 o'clock P. M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Sharon Jones Deputy

000025

SHAWN L. HOLLIDAY  
4054 Utah Street  
Suite No#8  
San Diego, Calif. 92104  
619-675-6533

CERTIFICATE OF SERVICE:

FOLLOWING PLEADINGS FOR THE DEFENDANT NICHOLAS ALFORQUE CASIANO HAVE BEEN MAILED CERTIFIED BY FIRST CLASS POSTAGE TO THE ADDRESS'S BELOW:

PLEADING- MOTION FOR PRE-TRIAL CONTINUANCE; *Not rec'd*  
PLEADING- PRE TRIAL BRIEF *Not Rec'd*  
PLEADING- WRITTEN PLEA OF NOT GUILTY  
PLEADING- DEMAND FOR INDICTMENT OR FORMAL CHARGES *Not Rec'd*  
PLEADING- ~~WRITTEN PLEA OF NOT GUILTY~~

I, Shawn Holliday, CERTIFY THAT THE ABOVE PLEADINGS WERE MAILED ON DATE SEPTEMBER 19, 2005 BY OF THE UNITED STATES POST OFFICE, FIRST CLASS MAIL, TO FOLLOWING ADDRESS'S;

SUSAN HULL  
DISTRICT AND COUNTY CLERK  
MARTIN COUNTY  
P.O. BOX 906  
STANTON, TEXAS 79782-0906

JUDYS BONDING SERVICE  
113 EAST 4<sup>TH</sup> STREET  
ODESSA, TEXAS 79761

STANTON COURT  
ATTN: JUDGE CORKY BLOCKER  
IN THE COUNTY COURT  
OF  
MARTIN COUNTY, TEXAS  
MARTIN COUNTY  
P.O. BOX 906  
STANTON, TEXAS 79782-0906

FILED Oct. 11 2005  
AT 10:40 o. clock A. M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Shawn Holliday Deputy

000026

*received only Written Plea Innocence*



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

IN THE COUNTY COURT OF  
MARTIN COUNTY TEXAS

THE STATE OF TEXAS :WRITTEN  
VS :PLEA OF  
:INNOCENSE  
NICHOLAS ALFORQUE CASIANO :

Hearng Date :09-28-05  
Time : 09:00 am

AND NOW COMES THE DEFENDANT, NICHOLAS ALFORQUE  
CASIANO AND HIS APPOINTED COUNSEL SHAWN L H. in the  
above matter, before the honorable Judge Corky Blocker.

Under the Article 27.16. [520] [584][573] Plea of not Guilty, section  
(B) it states "A defendant charged with a misdemeanor for which the  
maximum possible punishment is by fine only may, in lieu of the  
method provided in Subsection (a) of this article, mail to the court a  
plea of not guilty. Acts 1965, 59<sup>th</sup> Leg., p317, ch. 722, Sec. 1, eff.  
Jan.1, 1966. Amended by Acts 1977, 65<sup>th</sup> Leg., p. 2143, ch. 858, Sec.  
2, eff. June 16, 1977.

The defendant, in the event that DEFENDANT'S MOTION FOR  
A CONTINUANCE is not granted in this matter, and only in the event  
that a continuance is not granted submits this written plea, under the  
Article cited above, to the courts of:

**"NOT GUILTY"**

Dated, 09-17-2005

Signed,

Shawn L. H

FILED Oct. 11 2005  
AT 10:40 o. clock A M  
SUSIE HULL

District & County Clerk Martin Co., Texas  
By Shawn L. H, Deputy



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

00002

No. 7871

The State of Texas  
VsIn The County Court  
of  
Martin County, Texas

Nicholas Alforque Casiano

Order of Pre-Trial Hearing and Jury Trials

To: Defendant  
Box 84921  
San Diego Ca 92138  
Bondsman of record  
ASA Bonding  
113 E 4th  
Odessa Tx 79761  
Attorney of record  
Shawn L Holliday  
4054 Utah Ste #8  
San Diego Ca 92104

Pursuant to Art. 28.01, Texas Code of Criminal Procedure, you are hereby ORDERED to appear before this Court, at the Courthouse in Stanton, Texas, at 9:00 am, May 24, 2006, for a Pre-Trial Hearing, in the above captioned cause. The pre-trial hearing shall be to determine any of the following matters:

1. Arraignment of the defendant, if such be necessary; and appointment of counsel to represent the defendant, if such be necessary;
2. Pleadings of the defendant;
3. Special pleas, if any;
4. Exceptions to the form or substance of the indictment or information;
5. Motions to suppress evidence – When a hearing on the motion to suppress evidence is granted, the court may determine the merits of said motion on the motions themselves, or upon opposing affidavits, or upon oral testimony, subject to the discretion of the court;
6. Motions for continuance either by the State or defendant; provided that grounds for continuance not existing or not known at the time may be presented and considered at any time before the defendant announces ready for trial;
7. Motions for change of venue by the State or the defendant; provided, however, that such motions for change of venue, if overruled at the pre-trial hearing, may be renewed by the State or the defendant during the voir dire examination of the jury;
8. Discovery;
9. Entrapment; and
10. Motion for appointment of interpreter.

All motions, pleadings, and exceptions must be filed no later than seven (7) days before the hearing.

You should be prepared to announce to the Court whether you want a jury trial, trial before the Court, or to plead guilty/nolo contendere.

Failure to appear at this hearing will forfeit your bond and a warrant for arrest may be issued. Your attorney must be present with you at this hearing. Attorneys ignoring this order will be held in contempt. If you have any questions concerning this case, call the County Attorney at (432) 756-2838.

FILED May 5 2006  
AT 2:00 o'clock PM  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Shawn L Holliday Deputy

Corky Blocker  
Corky Blocker, County Judge  
Martin County, Texas



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

000028

**SUSIE HULL**  
DISTRICT AND COUNTY CLERK  
MARTIN COUNTY  
P.O. BOX 906  
STANTON, TEXAS 75782-0906

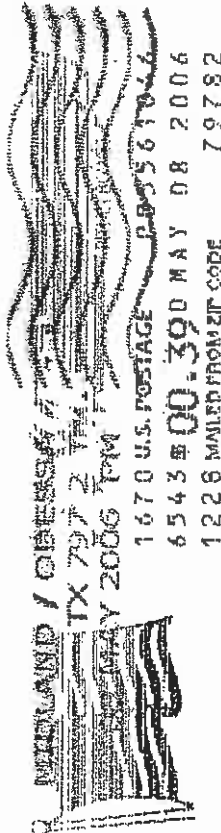
FILED May 18 2006  
AT 9:50 o'clock P M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By [Signature] Deputy



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

7871

Shawn L Holliday  
4054 Utah Ste #8  
San Diego Ca 92104



NIXIE 921 1 21 05/16/06  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
BC: 79782090606 \*2910-23470-00-02  
[Barcode]

32104+2384 C01  
9578219906

000029



No. 7871

The State of Texas

In The County Court

Vs

of

Nicholas Alforque Casiano

Martin County, Texas

Order of Pre-Trial Hearing and Jury Trials

To: Defendant  
Box 84921  
San Diego CA 92138  
Bondsman, of record  
ASA Bonding  
113 E. 4<sup>th</sup>  
Odessa, TX 79761  
Attorney, of record  
Shawn L. Holliday  
4054 Utah #8  
San Diego, CA 92104

Pursuant to Art. 28.01, Texas Code of Criminal Procedure, you are hereby ORDERED to appear before this Court, at the Courthouse in Stanton, Texas, at 9:00 am, February 22, 2008, for a Pre-Trial Hearing, in the above captioned cause. The pre-trial hearing shall be to determine any of the following matters:

1. Arraignment of the defendant, if such be necessary; and appointment of counsel to represent the defendant, if such be necessary;
2. Pleadings of the defendant;
3. Special pleas, if any;
4. Exceptions to the form or substance of the indictment or information;
5. Motions to suppress evidence – When a hearing on the motion to suppress evidence is granted, the court may determine the merits of said motion on the motions themselves, or upon opposing affidavits, or upon oral testimony, subject to the discretion of the court;
6. Motions for continuance either by the State or defendant; provided that grounds for continuance not existing or not known at the time may be presented and considered at any time before the defendant announces ready for trial;
7. Motions for change of venue by the State or the defendant; provided, however, that such motions for change of venue, if overruled at the pre-trial hearing, may be renewed by the State or the defendant during the voir dire examination of the jury;
8. Discovery;
9. Entrapment; and
10. Motion for appointment of interpreter.

All motions, pleadings, and exceptions must be filed no later than seven (7) days before the hearing. You should be prepared to announce to the Court whether you want a jury trial, trial before the Court, or to plead guilty/nolo contendere.

Failure to appear at this hearing will forfeit your bond and a warrant for arrest may be issued. Your attorney must be present with you at this hearing. Attorneys ignoring this order will be held in contempt. If you have any questions concerning this case, call the County Attorney at (432) 756-2838.

FILED Feb. 7, 2008  
At 4:30 o'clock P M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By [Signature], Deputy

[Signature]  
Corky Blocker, County Judge  
Martin County, Texas



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

000030



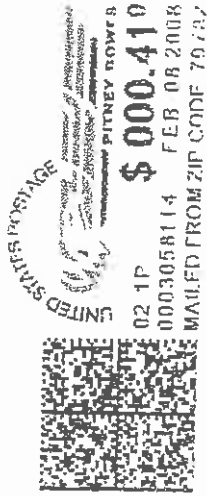
COUNTY JUDGE  
MARTIN COUNTY  
P.O. BOX 1330  
STANTON, TEXAS 79782

FILED Feb. 26 2008  
AT 9:40 o'clock A.M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Shawn L. Holliday Deputy

COUNTY JUDGE  
MARTIN COUNTY  
P.O. BOX 1330  
STANTON, TEXAS 79782

FILED Feb. 20 2008  
AT 1:30 o'clock P.M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Shawn L. Holliday Deputy

Casiano, Nicholas Alforque #7811  
Box 84921  
San Diego CA 92138



RECEIVED  
Returned to  
County Judge's  
Office

NIXIE 921 DE 1 00 02/19/08  
RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 79782133030 \*2810-06089-08-34

321004797821330



Attorney - For #7811  
Casiano

Shawn L. Holliday  
4054 Utah #8  
San Diego CA 92104

RECEIVED  
Returned

NIXIE 921 DC 1 00 02/16/08  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 79782133030 \*2810-11026-08-38

321004797821330



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY DISTRICT CLERK'S OFFICE

00003:

No. 7871

The State of Texas  
Vs

Nicholas Alforque Casiano

In The County Court  
of  
Martin County, TexasOrder of Pre-Trial Hearing and Jury TrialsTo: Defendant  
Nicholas Alforque Casiano  
PO Box 84921  
San Diego, CA 92138Bondsman, of record  
ASA Bonding  
113 E 4<sup>th</sup>  
Odessa, TX 79761Attorney, of record  
Shawn L Holliday  
4054 Utah #8  
San Diego, CA 92104

Pursuant to Art. 28.01, Texas Code of Criminal Procedure, you are hereby ORDERED to appear before this Court, at the Courthouse in Stanton, Texas, at 9:00 am, March 20, 2008, for a Pre-Trial Hearing, in the above captioned cause. The pre-trial hearing shall be to determine any of the following matters:

1. Arraignment of the defendant, if such be necessary; and appointment of counsel to represent the defendant, if such be necessary;
2. Pleadings of the defendant;
3. Special pleas, if any;
4. Exceptions to the form or substance of the indictment or information;
5. Motions to suppress evidence – When a hearing on the motion to suppress evidence is granted, the court may determine the merits of said motion on the motions themselves, or upon opposing affidavits, or upon oral testimony, subject to the discretion of the court;
6. Motions for continuance either by the State or defendant; provided that grounds for continuance not existing or not known at the time may be presented and considered at any time before the defendant announces ready for trial;
7. Motions for change of venue by the State or the defendant; provided, however, that such motions for change of venue, if overruled at the pre-trial hearing, may be renewed by the State or the defendant during the voir dire examination of the jury;
8. Discovery;
9. Entrapment; and
10. Motion for appointment of interpreter.

All motions, pleadings, and exceptions must be filed no later than seven (7) days before the hearing.

You should be prepared to announce to the Court whether you want a jury trial, trial before the Court, or to plead guilty/nolo contendere.

Failure to appear at this hearing will forfeit your bond and a warrant for arrest may be issued. Your attorney must be present with you at this hearing. Attorneys ignoring this order will be held in contempt. If you have any questions concerning this case, call the County Attorney at (432) 756-2838.

FILED March 5 2008  
AT 2:00 o'clock P.M.  
SUSIE HULL  
District & County Clerk, Martin Co., Texas  
By Shawn Jones Deputy

Corky Blocker  
Corky Blocker, County Judge  
Martin County, Texas

000032



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

100-40126

000033

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CASIANO N. ALFORQUE

Plaintiff,

MARTIN COUNTY, TEXAS,

Defendant.

§ Case No. 3:08-CV-0613-WQH  
§ ECF  
§  
§  
§  
§  
§  
§  
§  
§

**Exhibit B**

000034

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CASIANO N. ALFORQUE

Plaintiff,

MARTIN COUNTY, TEXAS,

Defendant.

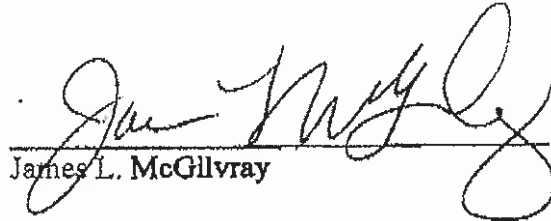
§ Case No. 3:08-CV-0613-WQH  
§ ECF  
§  
§  
§  
§  
§  
§  
§  
§

**DECLARATION OF JAMES L. McGILVRAY**

1. "My name is James L. McGilvray. I am over the age of 21 years, am of sound mind, have never been convicted of any crime or offense, and am fully capable of making this declaration.
2. "The statements made herein are true and correct and are made on personal knowledge and on the official records of Martin County, Texas ("the County"), made and kept in the ordinary course of the County's official business.
3. "I am the County Attorney for Martin County, Texas. I have held this position since September of 1985. I am a custodian of records for the County Attorney's Office.
4. "The criminal case against Mr. Casiano N. Alforque, State of Texas v. Nicholas Alforque Casiano, Cause No. 7871 in the County Court of Martin County, is still pending. Mr. Alforque has not entered into any plea agreement, nor have the charges against him been dismissed. No trial has been set in this matter, and an arrest warrant has been issued for Mr. Alforque.
5. "A true and correct copy of the papers from my files having to do with the arrest of Mr. Alforque in 2005 and the charges filed against him are attached herewith as Attachment 1.
6. "Other than these pending charges against Mr. Alforque and the warrant for his arrest, Martin County does not have any other relationship or course of dealings with Mr. Alforque.

"I declare under penalty of perjury under the laws of the United States of America that the statements contained in the foregoing Declaration are true and correct."

SIGNED on July 21, 2008.

  
James L. McGillvray

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CASIANO N. ALFORQUE

Plaintiff,

MARTIN COUNTY, TEXAS,

Defendant.

§ Case No. 3:08-CV-0613-WQH  
§ ECF  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Attachment 1**

000037



## MARTIN COUNTY ARREST REPORT

DATE  
5/18/2005TIME  
12:44ID NUMBER  
5075BOOKING NUMBER  
17271

NAME:

Alforque, Casiano Nicholas

DOB:

12/18/1969

SEX:

Male

RACE:

Black

AGE  
35EYES  
BrownHAIR  
BlackHGT  
602WGT  
240DL NUMBER  
C6688687DL STATE  
CASOC. NUMBER  
553-08-3248

MAILING ADDRESS:

PO BOX 84921

CITY

SAN DIEGO

STATE

CA

ZIP

92138

STREET ADDRESS OR PHYSICAL LOCATION OF INMATE:

4455 FEDERAL BLVD SUITE 54

2ND ADDRESS:

CITY

STATE

ZIP

PLACE OF BIRTH:

CA

HOME PHONE:

619-675-6533

EMERGENCY CONTACT:

MARY HOLIDAY

RELATION:

MOTHER

EMERGENCY CONTACT PHONE / ADDRESS:

619-602-2255

DATE &amp; TIME OF ARREST

5/18/2005

12:44:14

ARRESTING AGENCY:

THP

LOCATION OF ARREST:

ARRESTING OFFICER:

NEFF

VEHICLE IMPOUNDED: WHERE:

YEAR:

MAKE:

LICENSE NUMBER:

Charge

Warrant #

Class

Arrest Authority

Bond / Fine Amount

POSSESSION OF A

THP

## PROPERTY INTAKE

 Wallet: 1  
 Purse  
 Purse  
 Knife  
 Glasses  
 Belt

 Cap:  
 Coat  
 Shirt  
 Pants  
 Shoes  
 Socks

Other

CHECK BOOK

Other

## MONEY INTAKE

Currency

Coins

Checks

Total

NOTES:

BOOKING OFFICER:

JESSICA SAENZ

INMATE SIGNATURE:

X

WITNESS:

## RELEASING INFORMATION

RELEASE DATE &amp; TIME

05/19/2005 12:26

DISPOSITION:

206 / Bail

BOND COMPANY:

ASA Bonding

RELEASING OFFICER:

INMATE SIGNATURE:

X

BY THE INMATE'S SIGNATURE THE INMATE STATES THAT HE/SHE HAS RECEIVED ALL PROPERTY AND MONEY.

I Casiano Alforque release all my property to Alvis Fernal  
 on 5.18.05.

000038



NOTICE OF WITHDRAWAL

To: Whom it may concern

Date: 05-18-05

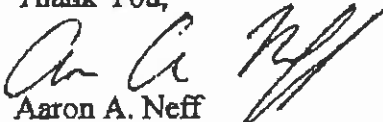
From: Trooper Aaron A Neff

Division: Texas Hwy Patrol

Subject: Withdrawal of complaint-Casiano N. Alforque

I, Trooper Aaron A. Neff do not wish to file charges on Casiano Nicholas Alforque regarding the complaint that I issued on 5-18-05 for possession of controlled substance under penalty group I of the Texas Health and Safety Code. *I filed A New Complaint for possession of CS 4 gram - Penalty Group "3" (MA)*

Thank You,

  
Aaron A. Neff

000039

IN the Name and by Authority of the State of Texas:

BEFORE ME, the under signed authority, on this day personally appeared

Argon A. Neri

who, after being duly sworn, on oath deposes and says. That heretofore, to-wit, on or about the

18TH day of May A.D., 2008, and before the making and filing of this Complaint,

in the County of Martin and State of Texas,

CASIANO NICHOLAS ALFONSO

did then and there unlawfully\*

Possess of CS Pg 11  
possess THIS vehicle to wit A 2004

Honda Civic CALPH 50 JX089 stopped for failure to signal.

lane change IH-20 westbound 152 mm. Possessed 2 bottles  
of pills prescribed to different name on Bottle. 1 bottle

was unidentified by label but identified by pill as hydrocodone.

Subject was identified by Name + DOB as Casiano Nicholas

Alfonso B-M- 12-18-69.

against the peace and dignity of the State.

[Signature]

Complainant

Sworn to and subscribed before me, this

18TH

day of

MAY

A.D., 2008

Justice of the Peace

☐ Precinct No. 1, Martin County, Texas

☐ Precinct No. 2, Martin County, Texas

\* Here Describe specifically the offense committed.

LPC J-0144

000040

THE STATE OF TEXAS

E- 6417

COUNTY OF MARTIN

I, **Corky Blocker**, Judge of the Justice of the Peace, Precinct court of Martin County, Texas do hereby certify that **Casiano Nicholas Alforque** appeared before me at 2:00 PM, on the 18th day of May, 2005, in Martin County, Texas.

You are hereby advised that you have been charged with **Possession Of A Controlled Substance a State Jail Felony**.

That you have the right to have a lawyer and if you cannot afford one, you have the right to request the appointment of a lawyer; that you have the right to have a lawyer present during any interview with peace officers or lawyers representing the state; that you have the right to stop then interview at any time; that you have the right to have an examining trial (if the charge is of Felony Grade offense); that you have the right to remain silent, and that you do not have to make any statement at all, but any statement you do make may be used against you. Do you request appointment of a lawyer?

In witness whereof, I have subscribed my name this 18th day of May, 2005.

Bail set at: \$ 2500.00

Corky Blocker  
Magistrate Corky Blocker  
Justice of the Peace #  
Martin County, Texas

After having given the above warnings to the accused, he acknowledged in my presence that he understood the warnings given to him by me.

Corky Blocker  
Magistrate Corky Blocker

**ACKNOWLEDGMENT**

I, **Casiano Nicholas Alforque**, hereby acknowledge that I have had the above and foregoing explained and that I do understand the same.

[Signature]  
Witness

[Signature]  
Accused

**WAVIER**

Also, by my signature below, I do hereby waive each and all of the foregoing rights, and I do desire to discuss the matter with investigative officials.

Signed in the presence of the above Magistrate

refused  
COUNSEL

Further, I asked the accused whether he/she wanted to request the appointment of counsel, and he/she responded that he/she (did) (did not) request the counsel be appointed.

[Signature]  
Defendant

Signed before me on this the 18th day of May, 2005.

Corky Blocker  
Magistrate Corky Blocker

000041

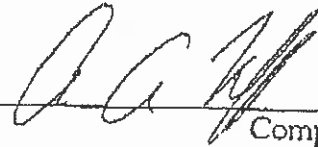
**GENERAL COMPLAINT**

**In the Name and by Authority of the State of Texas:**

BEFORE ME, the undersigned authority, on this day personally appeared BARON A NEFF

who, after being by me duly sworn, on oath deposes and says. That heretofore, to-wit, on or about the 18<sup>TH</sup> day of MAY, A.D., 20 05, and before the making and filing of this Complaint, in the County of Martin and State of Texas, CASIANO NICHOLAS AFORQUE

did then and there unlawfully\* POSSESS A CONTROLLED SUBSTANCE (PG-3) LORTAB 1/31  
TOWING CASIANO'S Vehicle - A 2004 Honda Civic CALP# 5GJS-K089  
was stopped Traveling WESTBOUND ON IH-20 MM #152 for FAILING TO  
SIGNAL LANE CHANGE. Vehicle was searched and did possess in  
glove compartment Two bottles of pills (1 with no name, 1 prescribed to  
DIFFERENT Name). Unmarked bottle was identified as LORTAB (PG-3) (MA)  
against the peace and dignity of the State.



Complainant

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_\_.

Justice of the Peace,

☐ Precinct No. 1, Martin County, Texas  
☐ Precinct No. 2, Martin County, Texas

LPC J-0144

\*Here describe specifically the offense committed.

THE STATE OF TEXAS

E- 6417

COUNTY OF MARTIN

I, **Corky Blocker**, Judge of the Justice of the Peace, Precinct court of Martin County, Texas do hereby certify that **Casiano Nicholas Alforque** appeared before me at 8:25 AM, on the 19th day of May, 2005, in Martin County, Texas.

You are hereby advised that you have been charged with **Possession Of A Controlled Substance a Class "a" Misdemeanor**.

That you have the right to have a lawyer and if you cannot afford one, you have the right to request the appointment of a lawyer; that you have the right to have a lawyer present during any interview with peace officers or lawyers representing the state; that you have the right to stop then interview at any time; that you have the right to have an examining trial (if the charge is of Felony Grade offense); that you have the right to remain silent, and that you do not have to make any statement at all, but any statement you do make may be used against you. Do you request appointment of a lawyer?

In witness whereof, I have subscribed my name this 19th day of May, 2005.

Bail set at: \$ 1000.00

Corky Blocker  
Magistrate **Corky Blocker**  
Justice of the Peace #  
Martin County, Texas

After having given the above warnings to the accused, he acknowledged in my presence that he understood the warnings given to him by me.

Corky Blocker  
Magistrate **Corky Blocker**

**ACKNOWLEDGMENT**

I, **Casiano Nicholas Alforque**, hereby acknowledge that I have had the above and foregoing explained and that I do understand the same.

Witness  
[Signature]

[Signature]  
Accused

**WAIVER**

Also, by my signature below, I do hereby waive each and all of the foregoing rights, and I do desire to discuss the matter with investigative officials.

Signed in the presence of the above Magistrate

**COUNSEL**

Further, I asked the accused whether he/she wanted to request the appointment of counsel, and he/she responded that he/she (did) (did not) request the counsel he appointed.

[Signature]  
Defendant

Signed before me on this the 19th day of May, 2005.

Corky Blocker  
Magistrate **Corky Blocker**

000043

EXAS DEPARTMENT OF PUBLIC SAFETY  
TRAFFIC LAW ENFORCEMENT DIVISION  
OFFENSE REPORT

TRAFFIC  
☒ CRIMINAL  
SCHOOL NOTIFICATION  
REQUIRED (ART. 15.27 CCP)

REPORT DATE: 05/24/05

## FILE TITLE

1. Casiano, Nicholas Alforque
2. PO Box 84921
3. San Diego, CA 92138
- 4.
- 5.

SID #                      DL #      C-6688687  
ID #                      DOB      12-18-69  
OTHER:    SS# 553-08-3248

## INVESTIGATING OFFICER:

TYPED NAME: AARON A. NEFF ID-NR: 11008

SIGNATURE: 

REGION/DISTRICT/SGT. AREA: 4-A-01

APPROVING SUPERVISOR:

TYPED NAME:

ID-NR:

SIGNATURE:

RPT-RE: Possession of Controlled Substance-Penalty Group III &lt; 28 grams (MA)

## COMPLETE IF TRAFFIC OFFENSE AND CHEMICAL TEST IS OFFERED:

TEST OFFERED: BREATH ☐ BLOOD ☐ URINE ☐ NONE ☐ TEST GIVEN: BREATH ☐ BLOOD ☐ URINE ☐ REFUSED ☐ NONE ☐TEST RESULT: 1) ☐ 2) ☐ DIC-23 SUBMITTED: YES ☐ NO ☐ OPERATOR ID# ☐

DEFENDANT(S)	OFFENSE(S)	COUNTY	DATE/TIME
Casiano, Nicholas Alforque	Poss. of CS -PG -3<28 grams	Martin	05-18-05 10:20 AM

**SYNOPSIS:**

On 5-18-05 I stopped a vehicle for a traffic violation. The driver was found to be in possession of a controlled substance. I arrested the driver and transported him to Martin County where he was booked into jail and released to the Martin County staff.

**DETAILS:**

1. On 5-18-05 at approximately 10:20 AM I was patrolling Martin County at about the 154 mm. I was on patrol with my partner Trooper Carlos Salgado.
2. Trooper Salgado and I observed a black, Honda Civic traveling westbound. The vehicle's windows had extremely dark tint on them.
3. I turned around on the vehicle and approached the vehicle from behind. At this point the vehicle was at about the 152 mm westbound on IH-20.
4. I observed that the vehicle had California license plates so I was not going to make a traffic stop on it for the tint violation.
5. As I followed behind the vehicle it changed lanes from the left lane to the right lane without signaling and then it straddled the center lane divider.

000044

TLE-1 Continuation (1/94)

TEXAS DEPARTMENT OF PUBLIC SAFETY  
TRAFFIC LAW ENFORCEMENT DIVISION  
OFFENSE REPORTPage: 2 of 4

FILE TITLE: Casiano, Nicholas Alforque

COUNTY: Martin

INVESTIGATING OFFICER: AARON A NEFF

REPORT DATE: 05/24/05

6. I turned on my emergency lights and the vehicle pulled over to the right improved shoulder where it came to a stop.
7. I approached the vehicle and explained the violation to the driver. I asked the driver to step out of the vehicle and explained to the driver that he would receive a warning for the violation.
8. The driver identified himself by his California Driver's license as Nicholas Alforque Casiano.
9. I spoke with Casiano and his wife and I asked them questions pertaining to their travel plans. I found that they had discrepancies in their stories.
10. Casiano and his wife had discrepancies in their stories regarding the length of time their trip was and the hotels they stayed at.
11. The more questions that I asked, the more nervous that Casiano and his wife became.
12. I explained to Casiano that the answers he was giving to my questions were conflicting to the answers that his wife had given me.
13. I asked Casiano if I could search his car and he refused to let me search.
14. I explained to Casiano that I was going to have a K-9 unit search his car.
15. Trooper Salgado called for a DPS K-9 unit however none were available. Officer Hendricks from the Midland Police Dept. arrived on scene with his canine, Gunney.
16. The canine alerted on the front portion of the vehicle and I searched the car. In the glove box was located two orange pill bottles. One of the bottles was a prescription for Amoxicillin and was prescribed to Mary Holiday. The other Pill bottle had no prescription on it.
17. Casiano stated that he did not realize the bottles were in the car and stated that they were his mothers.
18. Officer Hendricks called a local pharmacist in regards to the unidentified pills and gave the description of the pills to the pharmacist.
19. The pharmacist confirmed that the pills were Lortab. (CS-PG-3).
20. I arrested Casiano for possession of a controlled substance and secured him in handcuffs. I secured Casiano in my patrol car and released the vehicle to his wife.

000045

TLE-1 Continuation (1/94)

TEXAS DEPARTMENT OF PUBLIC SAFETY  
TRAFFIC LAW ENFORCEMENT DIVISION  
OFFENSE REPORT

Page: 3 of 4

FILE TITLE: Casiano, Nicholas Alforque  
INVESTIGATING OFFICER: AARON A NEFFCOUNTY: Martin  
REPORT DATE: 05/24/05

21. I transported Casiano to the Martin County jail and explained to Casiano his Miranda rights.
22. Casiano was booked into jail and released to the custody and care of the Martin County jail staff.

**WITNESS(ES):**

Aaron A. Neff-Trooper  
Texas Dept. Of Public Safety  
2405 S Loop 250 West  
Midland, TX 79703  
432-498-2100

All aspects of the case

Carlos J. Salgado-Trooper  
Texas Dept. of Public Safety  
2405 S Loop 250 West  
Midland, TX 79703  
432-498-2100

All aspects of the case

Oscar Villareal-Trooper  
Texas Dept. of Public Safety  
2405 S Loop 250 West  
Midland, TX 79703  
432-498-2100

Arrived on scene after initial traffic stop.

Michael Hendricks  
Midland PD K-9 officer  
Midland PD -601 N Loraine  
432-685-7110

K-9 Search

**EVIDENCE:****DESCRIPTION:**

1 unmarked prescription bottle containing Lortab  
1 bottle of pills prescribed to Mary Holiday

**DISPOSITION:**

Sent to Midland DPS crime lab for analysis  
Sent to Midland DPS crime lab for destruction

**VEHICLE(S):**

000046



TEXAS DEPARTMENT OF PUBLIC SAFETY  
TRAFFIC LAW ENFORCEMENT DIVISION  
OFFENSE REPORT

Page: 4 of 4

FILE TITLE: Casiano, Nicholas Alforque  
INVESTIGATING OFFICER: AARON A NEFF

COUNTY: Martin  
REPORT DATE: 05/24/05

**WEAPONS:**

**DESCRIPTION:**

NONE

**DISPOSITION:**

N/A

**VICTIM(S):**

000047

TEXAS DEPARTMENT OF PUBLIC SAFETY  
Information for Jail RegisterName of accused CASIANO, NIKOLAS ANTONIORace R Sex M Age 35Height 5-7 Weight 200 Hair BL Eyes BRScars, Marks, or Deformities TWO TATTOOS ON LEFTCharge Poss of Controlled Substance Pg 3Placed in City/County Jail at HARTON CO. JAIL TexasTime 12:45 P Date 05-18-08 By NICKPrisoner received by [Signature]HQ-25 (5/91) Title [Signature]

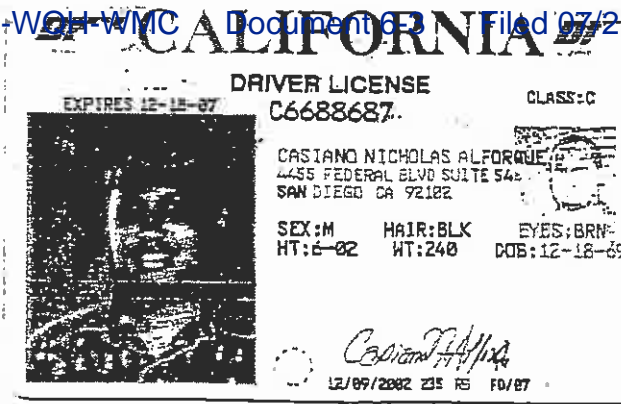
000048

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UnitNo: 4116  
Disp Status: NEW  
Return Type: DL Check  
Identifier String: ALFORQUE, CASIANO NICHOLAS U/M 12/18/1969 / CA/C6688687  
SOC:  
Query Return:  
FROM: NLT# TO: 18X1  
05/24/05 18:22:50

DR.CAOLN0000  
16:25 05/24/2005 17290  
16:25 05/24/2005 17433 TXDPS18X1  
\*X&7839&XXX  
TXF  
NAME/ALFORQUE CASIANO NICHOLAS  
ADDR/4455 FEDERAL BLVD APT 54. SAN DIEGO, CA.  
AKA NAME/HOLIDAY ALEX RAY JR  
SEX/M. DOB/19691218. HGT/602. WGT/240. HAI/BLK. EYE/BRO.  
OLN/C6688687. EXP 12/18/07  
RSTR:NONE  
STATUS:VALID  
RBM 2\*  
END

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UnitNo: 4116  
Disp Status: NEW  
Return Type: DL Check  
Identifier String: HOLIDAY, ALEX NICHOLAS B/M 12/18/1969 / CA/C6688687  
SOC:  
Query Return:  
FROM: NLT# TO: 18X1  
05/24/05 18:16:31

DR.CAOLN0000  
16:18 05/24/2005 17131  
16:18 05/24/2005 17271 TXDPS18X1  
\*X&7831&XXX  
TXT  
MATCHED ON:\*L/N\*F/N\* BD  
NAME/ALFORQUE CASIANO NICHOLAS  
ADDR/4455 FEDERAL BLVD APT 54. SAN DIEGO, CA.  
AKA NAME/HOLIDAY ALEX RAY JR  
SEX/M. DOB/19691218. HGT/602. WGT/240. HAI/BLK. EYE/BRO.  
OLN/C6688687. EXP 12/18/07  
RSTR:NONE  
STATUS:VALID  
RBM 2\*  
END



AKA  
- ALEX HOLIDAY  
B-M

ALVIS HILDA  
HERNANDEZ  
B/F - DOB - 9-27-84  
SCARS ON NECK/CHE

000050

7871

IN THE COUNTY COURT OF  
MARTIN COUNTY TEXAS

THE STATE OF TEXAS : DEMAND FOR  
VS : INDICTMENT  
: OR INFO. OF  
NICHOLAS ALFORQUE CASIANO : CHARGES

Hearng Date :09-28-05  
Time : 09:00 am

AND NOW COMES THE DEFENDANT, NICHOLAS ALFORQUE  
CASIANO AND HIS APPOINTED COUNSEL SHAWN L H. in the  
above matter, before the honorable Judge Corky Blocker. The  
defendant in this matter is requesting, under Article 25.04.....

Article 25.04 [490] [554] [543] in misdemeanor.....wherein it  
states that "In misdemeanors, it shall not be necessary before trial to  
furnish the accused with a copy of the indictment or information; but  
he or his counsel may demand a copy, which shall be given as early as  
possible.

.....that a written copy of the indictment(s) or formal charges be  
furnished to the defendant as expeditiously as possible.

Dated, 09-17-2005

Signed,

Shawn L. H

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**IN THE COUNTY COURT OF  
MARTIN COUNTY TEXAS**

THE STATE OF TEXAS :  
VS : Request for  
: Continuance  
NICHOLAS ALFORQUE CASIANO : of Pre-trial  
: Hearing

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Hearing Date: 09-28-05  
Time : 09:00 am

AND NOW COMES THE DEFENDANT NICHOLAS  
ALFORQUE CASIANO, in the above matter before the court on the  
above this date September 17, 2005 for the purpose of requesting a  
continuance of the Pre Trial Hearing. The defendant deems this request  
for the continuance of the Pre-Trial Hearing as necessary and vital for the  
assurance of a fair and expeditious trial.

Due, in fact, to the overwhelming forces of nature, i.e. hurricane  
Katrina, travel at this point in time would be next to near impossible for  
me along the routes prescribed to reaching your courts. As our President  
has stated, travel should be kept to a minimum due to the catastrophe and  
souring gas prices. In this instance it is common sense to respect the

4. That the witness is not absent by the procurement or consent of the witness.
  5. The motion is not made for delay.
  6. That there is no reasonable expectation that the attendance of the witness can be secured during the present term of court by a postponement of the trial to some future day of said term.
- Act 1965 59<sup>th</sup> Leg., p 317, ch 722, Sec 1, eff. Jan 1, 1966

Although the defendant has not been issued a trial date, the defendant counsel deems it necessary to set a continuance further down the calendar so as to effectively interview the following witness's on defendants witness list for purposes of analyzing the case for an anecdote which may fall under Article 27.08

Article 27.08[511] [575] [564] Exception to substance of indictment  
No exception to substance of indictment except that it does not appear therefrom that an offense against the law was committed by the defendant.

Witness List:

Rodney Thalen, Agent State Farm Insurance, San Diego, California  
David Kupfer, Dr., Office of Dr. David Kupfer, San Diego, CA  
Mary J. Holiday, Treasurer, San Diego Black Advocacy Group Inc.  
Alvis H. Fernandez, President/Owner San Diego Black Advoc. Group

Counsel for defendant request that a continuance date be granted in this matter from the original Pre-Trial Hearing Date September 28, 2005 to a Hearing date January 2006.

Date, 09-17-2005

Shawn L H.

Signed,



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IN THE COUNTY COURT OF  
MARTIN COUNTY TEXAS

THE STATE OF TEXAS :

VS :

NICHOLAS ALFORQUE CASIANO :

---

Hearng Date :09-28-05  
Time : 09:00 am

***Brief:***

AND NOW COMES THE DEFENDANT NICHOLAS  
ALFORQUE CASIANO, in the above matter before the court on the  
above described date for the purpose of Pre Trial Hearing. The defendant  
is submitting this brief for the soul purposes of enlightening the courts  
knowledge as to the reasons for this hearing today.

On May 17, 2005, said defendant was proceeding through the date  
of Texas on his way back to California subsequently departing from the  
State of Georgia on Company business. While proceeding down highway  
interstate 20 at approximately 10:00 am in the morning, the defendant was  
hailed over to the side shoulder of the interstate by the state trooper now  
known to the defendant as Trooper Arron Neff.



1 Trooper Arron Neff disbursed from his patrol car and approached  
2 to the left driver's side of the defendant's business vehicle and asks for  
3 defendant's license of which the defendant produced upon request. After  
4 being able to produce said documentation, Trooper Aaron Neff then  
5 alerted the defendant as to the reason for the stop. Trooper Aaron Neff  
6 stated the he and his partner witness the vehicle in question swerving from  
7 side to side over the center divider, at which time the defendant stated that  
8 he was not aware that the vehicle was swerving in such a fashion and that  
9 he'd try to be more careful.

10  
11 Trooper Aaron Neff then stated that he was going to run a check  
12 on the license defendant produced and would be back and furthermore, if  
13 everything checked out clean he would send the defendant on his way with  
14 a warning for the tinted windows on both sides of the drivers side and  
15 passenger side doors, as the law does not permit tinted windows, on the  
16 described areas, in the state of Texas. Trooper Aaron Neff returned to the  
17 vehicle and asks the defendant to disburse from the vehicle and  
18 accompany him to the side shoulder of the road next to his patrol unit.

19  
20 Trooper Aaron Neff then stated to the defendant that he should be  
21 aware that tinted windows on the above described areas were not  
22 permitted in the state of Texas and that he was going to issue a warning

1 citation. Afterward the trooper began asking personal questions such as  
2 were the defendant was coming from and were he was going. The  
3 defendant responded to the query of questions and, subsequently, was  
4 patted down and searched along side the road, the trooper stated it was for  
5 their protection.  
6

7 The trooper then left me on the side of the road awaiting his return  
8 as he had left, briefly, to query defendant's wife as to the reason for her  
9 being on the road that day. The trooper then returned and stated that our  
10 stories did not match up and that he had suspicion that we, defendants wife  
11 and defendant, were conducting some kind of illegal activity. Defendant  
12 assured the trooper that this was not the case.  
13

14 A request for a search ensued and the defendant declined the  
15 advancements of the trooper to conduct a search of the Company Vehicle  
16 in question, defendants reasons were due to the personal effects of other  
17 Co-Workers and the Confidentiality of legal documents which frequented  
18 the Vehicles Trunk compartment and interior and furthermore the  
19 defendant and his wife had been driving for two and one half days and  
20 were tired and very much in need of showers, the whole ordeal was  
21 contrite to say the least and defendant was not fully in control of all mental  
22 faculties at the present time.

1 At that point, the trooper became very agitated by the defendants  
2 response and proceeded to enquire onto the defendants wife as to whether  
3 or not the search could be conducted or not. The defendant's wife asks  
4 defendant what was going on and defendant replied, "They want to search  
5 the vehicle, and I would not consent to it and neither should you." The  
6 trooper then ask for the registration and insurance to the vehicle and ran a  
7 check on said vehicle, discovering that the vehicle was registered to the  
8 defendants wife, Alvis H. Fernandez, whom was present.

9  
10 The trooper then stated that if he could not search the vehicle that  
11 he was going to request a police K-9 to come and sniff the parameter of  
12 the vehicle in hopes of turning up some large amount of cash or elicit  
13 illegal drug/drug paraphernalia. A second squad car then arrived and a  
14 second trooper alerted the defendant of the following, "hey look, you gotta  
15 understand, we don't know you so we have to do what we gotta do to get  
16 to the bottom of things. The defendant, again, assured the troopers that  
17 there was nothing to get to the bottom of.

18  
19 The defendant and his wife, whom was asked to disburse from the  
20 vehicle, waited 2 hours on the side shoulder of the road, being told that a  
21 K-9 was on his way several times and to be patient. Again, the whole  
22 ordeal was a nightmare to say the least. The K-9 arrived and sniffed the  
23 parameter of the vehicle finding nothing as the defendant and his wife

1 observed no signs of alerts other than the K-9 fully circling the vehicle  
2 approaching it none whatsoever. Afterward, the troopers huddled a full 3  
3 minutes at which afterward trooper Aaron Neff approached the defendant  
4 stating that the K-9 had observed a hot spot at the front end of a fiberglass  
5 bumper frame, which anyone could clearly see through and say that there  
6 was nothing there, and that they were going to have to conduct a search  
7 themselves of which the K-9 would be an integral part of.

8  
9 The troopers then proceeded to place the K-9 inside the vehicle  
10 wherein it rampaged and stepped onto several personal artifacts belonging  
11 to both the defendant and the Company. The K-9 turned up nothing.  
12 Afterward, the troopers began conducting a search of the entire vehicle,  
13 turning it inside out, and finding nothing. The troopers then proceed to go  
14 through the vehicles glove compartment wherein they turned up 2 small  
15 medicine bottles of what was latter discovered to be generic penicillin  
16 under the name of Mary J Holiday, the defendants Mother and a registered  
17 operator of the vehicle in question and a generic brand substance believed  
18 to be of a codeine base, which the defendant openly stated that it was a  
19 prescription belonging to himself. Furthermore, the defendant state that he  
20 had a prescription for the medicine in his brief case and that the trooper  
21 could contact his physician to validate that it was, in fact, his prescription  
22 medicine as the label on the bottle could not validate the defendant's  
23 statement due to the dilapidated state of the bottle the medicine was inside.

1 The trooper did not elect to escort the defendant over to the brief  
2 case in question to check and validate the statements being made by the  
3 defendant, trooper Aaron Neff did not elect to call the defendants  
4 physician to substantiate that the defendant in fact had a prescription to  
5 carry the medicine in question, the troopers didn't elect to contact the  
6 Companies Insurance Carrier, State Farm to substantiate the vehicle in  
7 question was in fact a Company vehicle and that Mary J. Holiday was a  
8 registered operator of said vehicle in question and that by law, any vehicle  
9 operated for business and registered to more than one operator may in fact  
10 have personal effects of said registered operator in a safe and secured area  
11 such as the glove box, in this case a bottle of penicillin prescribed to Mary  
12 J. Holiday.

13  
14 What the trooper did elect to do was place the defendant under  
15 arrest and hauls him off to jail for what the defendant views as a false  
16 arrest. The trooper did not explore all the facts and all the materials which  
17 were prevalent, but instead, because of the wasted time which had already  
18 expired, made a decision which was in no way merited in light of the  
19 circumstances.

20  
21 The defendant intends on proving the following,

- 1) The quote in quote "codeine" based medicine did in fact belong to him legally, and was legally prescribed to him by his physician, this accomplished by a signed letter of fact from the physician stating that the medicine in question was prescribed to the defendant.
- 2) The generic penicillin was inside the glove box of the Company vehicle operated by Mary J. Holiday an officer of the Company, this being accomplished by providing documentation showing that Mary J. Holiday has been on the Business Policy with State Farm Business Insurance as an assigned driver of said vehicle in question for the past 2 years and furthermore an Affidavit from Mary J. Holiday stating that she keeps her penicillin prescription in said box of the Company Vehicle.
- 3) That the arrest made my trooper Aaron Neff, thereby detaining defendant Casiano N. Alforque against his will, was false in production, as the Registered owner of the vehicle, Alvis H. Fernandez, was present and accounted for at the scene of the stop and furthermore inside the vehicle during the stop and therefore, in relation to the Registered owner of the vehicle being in full possession of the said vehicle should have been at fault for any violation found within the vehicle until such time the discovery was made that the vehicle in question was a Company vehicle used

1 for business purposes only of which trooper Aaron Neff was  
2 advised of.  
3  
4  
5  
6  
7  
8

Dated, 09-17-2005

Signed,

Shawn L. H

A handwritten signature in black ink, appearing to be "Shawn L. H.", written over the printed name.

SEP 23 2005

SHAWN L. HOLLIDAY  
C/O NICHOLAS ALFORQUE CASIANO  
P.O. BOX 23394  
SAN DIEGO, CA 92123

PLEASE FORWARD ALL FUTURE CORRESPONDENCE TO THE ABOVE  
ADDRESS IN THE MATTER OF :

STATE OF TEXAS VS. NICHOLAS ALFORQUE CASIANO

7871

000062



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CASIANO N. ALFORQUE

Plaintiff,

MARTIN COUNTY, TEXAS,

Defendant.

§ Case No. 3:08-CV-0613-WQH  
§ ECF  
§  
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§  
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§  
§  
§

**Exhibit C**

000063

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CASIANO N. ALFORQUE

Plaintiff,

MARTIN COUNTY, TEXAS,

Defendant.

§ Case No. 3:08-CV-0613-WQH  
§ ECF  
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§  
§  
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§  
§


**DECLARATION OF CHARLES T. BLOCKER**

1. "My name is Charles T. Blocker. I am over the age of 21 years, am of sound mind, have never been convicted of any crime or offense, and am fully capable of making this declaration.
2. "The statements made herein are true and correct and are made on personal knowledge and on the official records of Martin County, Texas ("the County"), made and kept in the ordinary course of the County's official business.
3. "I am the County Judge for Martin County, Texas. I was elected to this position in November of 1998.
4. "Aaron A. Neff, the Texas State Trooper, or Texas Highway Patrol officer, who arrested Mr. Casiano N. Alforque on May 18, 2005 on Highway 20 in Martin County, Texas, is not an officer of the County. No officer or employee of the County participated in this search and arrest of Mr. Alforque in Martin County in 2005.
5. "On May 5, 2005, on the basis of a Motion to Obtain Warrant for the arrest of Casiano N. Alforque by Tom Barker, the Surety on the appearance bond of Mr. Alforque, I issued a warrant for the arrest of Mr. Alforque. A true and correct copy of that Motion to Obtain Warrant and the arrest warrant are attached to this Declaration as Attachment 1.

6. "The County is a political subdivision of the State of Texas, formed under the laws of that State, with its office and principal place of business in Stanton, Martin County, Texas. All of the County's offices are maintained solely within the territorial limits of Martin County.
7. "The County does not have any office or other facility in California, and it does not have any officials, employees, agents, or representatives who work, reside, or maintain offices in California. The County does not employ any personnel in California.
8. "The County is not licensed to conduct, and it does not conduct, any business, official or otherwise, in California, and it does not have any contracts with any California companies.
9. "The County's official activities are solely directed to the safety, health, welfare and other public interests of those persons who reside within its jurisdiction. The only contact the County might have with California is only incidental to those activities related to its residents' interests.
10. "The County does not own, control, manage or otherwise have any economically beneficial interests in any entity located in California.
11. "The County has not been subject to or paid any taxes in California.
12. "The County does not appear in or conduct official business activities in California on any basis, regular, routine or otherwise, for any reason. The County does not maintain any bank accounts, investments or funds in California.
13. "The County does not advertise in California."

"I declare under penalty of perjury under the laws of the United States of America that the statements contained in the foregoing Declaration are true and correct."

SIGNED on July 21, 2008.

  
Charles T. (Corky) Blocker

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CASIANO N. ALFORQUE

Plaintiff,

MARTIN COUNTY, TEXAS,

Defendant.

§ Case No. 3:08-CV-0613-WQH  
§ ECF  
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**Attachment 1**

000067

**JUDY'S BONDING**

113 EAST 4TH STREET • PHONE 915/332-5061

ODESSA, TEXAS 79761

Date: October 4<sup>th</sup>, 2005

To: Martin County Court House  
County Clerks(criminal)  
P.O Box 906  
Stanton, Texas 79782-0906

State Of Texas Vs.: Nicholas Alforque Casiano

Case # 7871

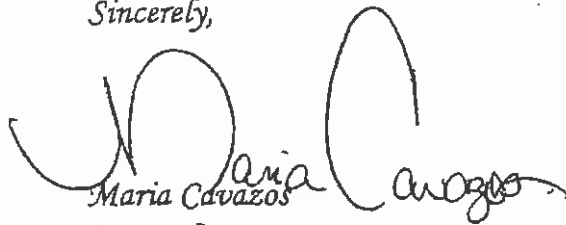
Dear Sirs:

Enclosed you will find a motion to go off bond on the above referenced style and numbered case. Please have a judge sign order to off bond.

I would appreciate it if you would forward us a copy of the signed motion once the warrant has been issued. Enclosed you will find a self addressed stamped envelope for your convenience.

Thank you for your attention and courtesy regards this matter.

Sincerely,

  
Maria Cavazos  
Court coordinator

FILED Oct 5 2005  
AT 10:00 o. clock A. M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By [Signature] Deputy



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

0011068

NO. 7871

THE STATE OF TEXAS

IN THE \_\_\_\_\_ COUNTY \_\_\_\_\_ COURT

VS. NICHOLAS ALFORQUE CASIANOOF STANTON, TEXAMARTIN COUNTY ~~JUDICIAL DISTRICT~~AFFIDAVIT

NOW COMES TOM BARKER/ASA BONDING sureties on the appearance bond in the above numbered cause, both of whom are over the age of twenty-one (21) years, who have never been convicted of a felony, and who are both competent to swear to the following matters of fact:

The Defendant has failed to COMPLY WITH CONTRACTUAL AGREEMENT MADE WITH THIS COMPANY

UPON POSTING THIS BOND ON 5-19-05. HE WILL NOT RETURN CALLS TO THE OFFICE AND I

FEAR THAT WE CANNOT PRODUCE DEFENDANT TO COURT WITHOUT A WARRANT.

This Affidavit is made for the purposes of securing a warrant for the arrest of the said Defendant so that your sureties may be released from that obligation on the bail bond.

SIGNED this 4TH day of OCTOBER, 20 05.

*Tom Barker*

113 E. 4th 79761  
SURETY

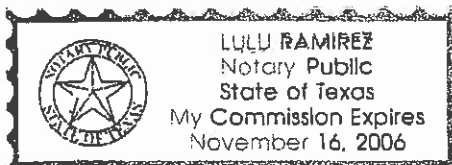
113 E. 4th 79761  
SURETY

THE STATE OF TEXAS

COUNTY OF MARTIN

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared known to me TOM BARKER to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 4TH day of OCTOBER

20 05

Judy's Bonding  
24 Hr. Phone  
915/332-5061

ASA Bonding  
24 Hr. Phone  
915/332-5136

*Lulu Ramirez*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

FILED Oct 5, 20 05  
AT 10:00 o'clock A. M  
SUSIE HULL

District & County Clerk Martin Co., Texas  
By *[Signature]*, Deputy



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

000069

NO. 7871

THE STATE OF TEXAS

VS. NICHOLAS ALFORQUE CASIANO

IN THE \_\_\_\_\_ COUNTY \_\_\_\_\_ COURT

OF STANTON, TEXAS

MARTIN COUNTY ~~HODGKINS COUNTY~~

**ORDER**

CAME to be presented to the Court the Surety Motion for a warrant for the arrest of the Defendant in the above styled and numbered cause and the Court having considered the Motion and Affidavit of the surety:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that a warrant shall be issued for the arrest of the Defendant NICHOLAS ALFORQUE CASIANO in compliance with Code of Criminal Procedures, V.A.T.S.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the clerk of this Court issue a warrant for the arrest of NICHOLAS ALFORQUE CASIANO and that the Defendant be taken into custody by any sheriff peace officer and/or magistrate and be returned to the sheriff of MARTIN County, Texas, to be held in custody subject to further order of this Court.

SIGNED AND ENTERED this 5th day of October, 20 05

Corky Blacker  
JUDGE PRESIDING

**Judy's Bonding**  
24 Hr. Phone  
915/332-5061

**ASA Bonding**  
24 Hr. Phone  
915/332-5136



TRUE AND CORRECT COPY OF ORIGINAL FILED  
IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

FILED Oct. 5 20 05  
AT 2:00 o'clock P M  
SUSIE HULL  
District & County Clerk Martin Co., Texas  
By Sharon Jones Deputy

000070



TO ANY PEACE OFFICER OF THE STATE OF TEXAS -- GREETING:

YOU ARE HEREBY COMMANDED TO ARREST ..Nicholas Alforque Casiano.....  
4455 Federal Blvd San Diego Ca 92102: DOB 12-18-69; SS 553-08-3248; DR# C6688687  
and ..him..... safely keep, so that you have ..him..... before the Honorable County Court of Martin County, Texas  
at the Court House of said County, in the City of Stanton, Texas, instanter, then and there answer THE STATE OF TEXAS upon  
a charge pending in said Court, charging ..Nicholas Alforque Casiano.....  
with the offense of ..... Failure to comply with contractual agreement with bondsman  
..... on original offense of Possession of a Controlled Substance,  
..... 481.117(b)HSC, Clas A Misdemeanor

HEREIN FAIL NOT, but due return make hereof as the law directs.

WITNESS my signature and official seal, on this the .....5..... day  
of .....October....., A.D. 2005.....

*Curly Blocker*  
County Judge, Martin County, Texas

OFFICER'S RETURN

RETURN ORIGINAL  
TO CLERKS OFFICE

Came to hand the ..... day of ..... A.D. 20 ....., at .....o'clock .....M, and  
executed on the ..... day of ..... A.D. 20....., at .....o'clock .....M, by arresting  
the within named .....  
at ..... in ..... County, Texas, and \*taking .....  
bond, which is herewith returned, \*placing ..... in the County jail of ..... County, Texas.

I actually and necessarily traveled ..... miles in the service of this Writ, in addition to any other mileage I may have  
traveled in the service of other process in this cause during the same trip.

FEES - Making Arrest .....\$.....  
Mileage ..... miles .....\$.....  
Taking Bond .....\$.....  
Commitment .....\$.....  
Release .....\$.....  
Total .....\$.....

.....  
.....  
..... County, Texas  
By ..... Deputy.

\*Erase according to the facts.

000071